

## **REMARKS**

### **Summary of Examiner Interview**

A telephonic interview was conducted between the Examiner and Applicant's representative on December 3, 2008. Claim 11 was discussed. In particular, the Examiner's interpretation of the cited art was discussed. Agreement on the patentability of the claims was not reached, however a proposed amendment was discussed, which is reflected above.

### **Amendments**

#### ***Amendments to the Claims***

Applicants have amended independent claims 11, 12, 23, 30 and 34-37. No claims have been added. No new matter has been added as a result of these amendments as the subject matter is present in the Specification as originally filed, at least at Page 5 Lines 9-12 and Page 7 Lines 1-7.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103(a)***

Claims 11, 12, 14, 16, 23, and 30-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,945 to Fong et al. (hereinafter "Fong") in view of U.S. Patent No. 6,745,222 to Jones et al. (hereinafter "Jones"). Applicants respectfully request withdrawal of these rejections because the combination of cited references fails to disclose all of the limitations of the claims.

Fong is directed to a system of Flexible Dynamic Partitioning (FDP) to allocate and reallocate resources among scheduling schemes for multicomputing environments. Fong teaches that partitioning of resources can be initiated by application and system triggers. Once FDP is triggered, a partition invokes a set of resource allocation functions associated with the partition. The resource allocation functions taught by Fong include a common reallocation that moves nodes from an under-utilized partition to a partition which is over-utilized based upon an

assessment of the load differential and a unique reallocation function that reallocates nodes with a specific memory size from one partition to another.

As amended, Applicants claim “changing association of a task of the plurality of tasks from a first scheduling domain to a second scheduling domain, if the task requires a resource assigned to the second scheduling domain.” Applicants respectfully submit that Fong does not teach or suggest changing association of a task if the task requires a resource in a different scheduling domain. As claimed, a resource is a specific object, assigned to a particular scheduling domain, for synchronization purposes. As such, a task requires a particular resource in order to be successfully executed by one of the processors. It appears that the Office Action interprets the processors of Fong as both the processors and the resources of the claims. In Fong, the processors are identical and nodes are reallocated among the processors based on whether a particular processor is being over-utilized or under-utilized. Fong essentially teaches a common “load-balancing” scheme, where the work load of a processor triggers reallocation. Fong does not teach or suggest that a task changes association from a first partition to a second partition because it requires a specific resource assigned to the second partition. As claimed, the resources remain in a single scheduling domain and are not subject to domain migration. It would be improper to interpret the processors of Fong as the claimed resources because Fong teaches that the processors can execute tasks from any partition. Thus, the processors are not tied to a particular partition. Therefore, Fong does not teach or suggest all of the limitations of the claims.

Jones is directed to a system for providing predictable scheduling of programs using repeating pre-computed schedules on discretely scheduled and/or multiprocessor operating systems. Jones does not teach, nor does the Office Action even allege that Jones teaches, “changing association of a task of the plurality of tasks from a first scheduling domain to a second scheduling domain, if the task requires a resource assigned to the second scheduling domain.” Therefore, Jones does not teach or suggest all of the limitations of the claims.

Given that the cited references, either alone or in combination, fail to teach or suggest all of the limitations of the claims, Applicants respectfully submit that claims 11, 12, 23, 30, and 34-37 are patentable over the cited references. Given that claims 14, 16 and 31-33 directly or indirectly depend from one of the above independent claims, at least for reasons similar to those discussed above, it is respectfully submitted that dependent claims 14, 16 and 31-33 are

patentable over the cited references. Accordingly, Applicants respectfully request that the rejection of claims 11, 12, 14, 16, 23 and 30-37 under 35 U.S.C. § 103(a) be withdrawn.

### **SUMMARY**

Claims 11, 12, 14, 16, 23 and 30-37 are currently pending. In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

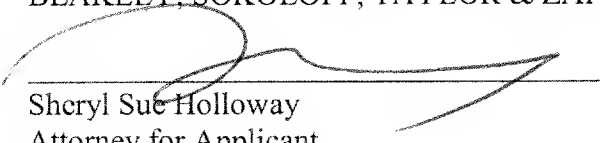
### ***Deposit Account Authorization***

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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